

REMARKS

Initially, Applicants would like to thank the Examiner for his indication of the allowability of claims 6-14, 16 and 17. Additionally, Applicants would like to thank the Examiner for his indication of the allowability of claim 15, if rewritten into independent form to include all of the limitations of the base and any intervening claims.

In the above-noted Final Official Action, claims 1 and 2 were rejected under 35 U.S.C. §102(e) over PARK (U.S. Patent No. 6,324,953). Claims 3-5 and 18 were rejected under 35 U.S.C. §103(a) over PARK in view of MAYNARD (U.S. Patent No. 5,269,739).

Claim 15 was objected-to as being dependent upon a rejected base claim, but was otherwise indicated as allowable if rewritten into independent form to include all of the limitations of the base and any intervening claims.

In view of the herein-contained remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections, as well as an indication of the allowability of each of the claims now pending.

Applicants respectfully traverse the outstanding rejection of claims 1 and 2 under 35 U.S.C. §102(e). In the outstanding Final Official Action, the Examiner asserted, with respect to claims 1 and 2, that "Park teaches a cutting apparatus comprising a column 11, a blade 43, a support 40 and drive sources 41 and 44... [s]ee Figs. 20 and 21". In this regard, claim 1 recites "[a] cutting apparatus comprising a column and a support supporting a cutting blade,

said support being configured to control a tilting angle of the cutting blade in a blade length direction, and the cutting blade being driven to be vertically movable relative to the support by a driving source supported by said support”.

The outstanding Final Official Action asserts that the claimed “support” is disclosed by element 40, i.e., the “movable carrier 40”, disclosed in PARK. Additionally, the outstanding Final Official Action asserts that the claimed “cutting blade” is disclosed by the “blade 43” disclosed in PARK. However, PARK does not disclose or suggest that the movable carrier 40 is a “support... configured to control a tilting angle of the cutting blade in a blade length direction” as is recited in claim 1. Rather, PARK discloses, at column 7, lines 25-26, that “[a] swing cutter 43 is hinged to the carrier 40”. Furthermore, PARK discloses, at column 7, lines 28-30 that “[t]he above swing cutter 43 is operated by a second cylinder actuator 44 which is horizontally positioned at a side of the carrier 40”. Additionally, an inspection of Figures 20 and 21 in PARK reveals that the “movable carrier 40” does not “control a tilting angle” (emphasis added), as is recited in claim 1. Applicants respectfully assert that a blade being merely “hinged” to a movable carrier 40 is not the same as, or a mere variation of, a blade with a “tilting angle” being controlled “in a blade length direction” by the movable carrier 40, as would be required to disclose or suggest the invention recited in claim 1.

Additionally, PARK does not disclose or suggest the “cutting blade being driven to

be vertically movable relative to the support”, as is recited in claim 1. Rather, as noted above, PARK discloses, at column 7, lines 25-26, that “[a] swing cutter 43 is hinged to the carrier 40”. In any context, the term “hinged to” is not in any way synonymous with “vertically movable relative to”. Rather, the explicit disclosure that the swing cutter 43 is hinged to the carrier 40 in PARK substantially precludes the possibility that the swing cutter 43 is vertically movable relative to the carrier.

Furthermore, PARK does not disclose or suggest that the “first cylinder actuator 41” that operates the movement of the “movable carrier 40” is “supported by” the movable carrier 40, as would be required for PARK to disclose the invention recited in claim 1. In this regard, claim 1 recites “the cutting blade being driven to be vertically movable... by a driving source supported by said support”. In contrast, an inspection of Figures 20 and 21 of PARK reveals that the “first cylinder actuator 41” is supported by the “guide rails 11”. Furthermore, PARK discloses, at column 7, lines 14-19, that “[a] first cylinder actuator 41 is vertically positioned between the two guide rails 11... [t]he piston of the above actuator 41 is coupled to a movable carrier 40, so that the carrier 40 is vertically slidable under the guide of the two guide rails 11” (emphasis added). Accordingly, PARK also does not disclose or suggest “a driving source supported by said support” that drives a cutting blade “to be vertically movable relative to the support”, as is recited in claim 1. Rather, PARK discloses a first cylinder actuator supported by two guide rails 11 to move, using a piston, a movable carrier

40 under the guidance of the two guide rails 11.

Accordingly, Applicants respectfully assert that numerous of the features of claim 1 are not disclosed or suggested by PARK. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(e) over PARK.

Applicants additionally submit that features recited in claim 2 are not disclosed or suggested by PARK. In this regard, claim 2 recites, inter alia, “a plurality of cutting blade units are provided, each having a different driving source, and each including a cutting blade, the support supporting the cutting blade, and the drive source provided above the support, each cutting blade unit being interchangeably provided to the column, each cutting blade unit being configured to control the tilting angle of the cutting blade in the blade length direction”.

In contrast, PARK does not disclose that an interchangeable “plurality of cutting blade units” each have “a different driving source”, as is recited in claim 2. Rather, PARK discloses, at column 7, lines 28-30, only that a driving source is a “second cylinder actuator 44 which is horizontally positioned at a side of the carrier 40”. There is no disclosure in PARK that the second cylinder actuator 44 is part of an interchangeable “cutting blade unit”, nor is there any reason disclosed in PARK for the second cylinder actuator 44 to be changed when the blade 43 is changed.

Furthermore, PARK does not disclose or suggest “each cutting blade unit being

configured to control the tilting angle of the cutting blade in the blade length direction". In this regard, and as noted above, for PARK to disclose or suggest that a "cutting blade unit" controls "the tilting angle of the cutting blade in the blade length direction", PARK would have to disclose or suggest an interchangeable "cutting blade unit" that includes a different "second cylinder actuator 44" and a different "swing cutter 43". However, PARK does not disclose such cutting blade units and, therefore, does not disclose or suggest the invention recited in claim 2.

Additionally, PARK does not disclose that the "second cylinder actuator 44" is provided above the movable carrier 40. In this regard, claim 2 recites "the drive source provided above the support". As noted above, with respect to the features recited in claim 1, PARK discloses, at column 7, lines 28-30, "a second cylinder actuator 44 which is horizontally positioned at a side of the carrier 40". Accordingly, PARK specifically precludes the possibility of a "drive source provided above the support", as is recited in claim 2.

Accordingly, Applicants respectfully assert that numerous of the features of claim 2 are not disclosed or suggested by PARK. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. §102(e) over PARK.

Applicants further assert that the above noted features of claims 1 and 2 are not disclosed or suggested by MAYNARD; nor has the Examiner asserted that the above-noted

features of claims 1 and 2 are disclosed or suggested thereby. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. §102(e) over the references applied by the Examiner.

Applicants further submit that there is no motivation to modify the apparatus disclosed in PARK, such that the invention recited in claims 1 and 2 would be obvious, except to reconstruct the invention recited in claims 1 and 2 in hindsight, based upon Applicants disclosure. In this regard, Applicants respectfully assert that the modifications to PARK necessary to obtain the invention recited in claims 1 and 2 would be so extensive, and contrary to the teachings specifically set forth in PARK, as to destroy the explicit teachings of PARK. Accordingly, Applicants respectfully submit that there is no motivation to combine PARK with any other reference in order to obtain the invention recited in claims 1 and 2.

Applicants further submit that each of claims 3-5, 15 and 18 are patentable, at least because each depends, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own particular recitations. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3-5 and 18 under 35 U.S.C. §103(a) as well as the objection to claim 15.

Accordingly, for all of the reasons set forth above, Applicants submit that the features of each of claims 1-18 of the present invention are not disclosed or suggested by the

P21732.A04

references applied by the Examiner. At least for the above-noted reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of claims 1-5 and 18 and the objection to claim 15, and an indication of the allowability of each of the claims now pending, in due course.

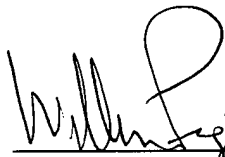
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have pointed out features of the claims not disclosed or suggested by the references applied by the Examiner. Accordingly, Applicants respectfully submit that an indication of the allowability of all the claims now pending in the present invention would now be appropriate.

Should the Examiner have any questions or comments regarding this response or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

January 2, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Respectfully submitted,
Hisashi YASODA et al.


Bruce H. Bernstein
Reg. No. 29,027

33630